

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

Status of Claims

Claims 1, 2, 11-14, 19, and 20 have been amended and new claims 21-27 have been added. Claims 6-8 have been canceled and claims 15-18 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Support for the amendments to the claims and the newly added claims may at least be found in Figure 6 and in paragraphs [0039] and [0047] of the originally filed application.

Claims 1-14 and 19-27 are currently pending in the application of which claims 1, 2, and 19 are independent.

No new matter has been introduced by way of the amendments or additions above. Entry thereof is therefore respectfully requested.

Summary of the Office Action

Claims 1-5, 7-12, and 19-20 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,675,386 to Hendricks et al. (hereinafter “Hendricks”).

Claim 6 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hendricks in view of U.S. Patent No. 7,068,596 to Mou (hereinafter “Mou”).

Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hendricks in view of U.S. Patent Application Publication No. 2002/0109975 to Boe (hereinafter “Boe”).

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the combination in the claim, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claim, then the cited reference fails to anticipate the claim and, thus, the claim is distinguishable over the cited reference.

Claims 1-5, 7-12, and 19-20 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Hendricks.

Independent Claim 1

Independent claim 1, as amended, recites:

An apparatus for communicating graphics across a computer network from a source computer, said apparatus comprising:
a connector for being plugged directly into a slot of the source computer;
an input for receiving a video signal output from a graphics card of the source computer through the connector;
a memory for storing discrete units of the video signal;
a compression circuit for compressing a plurality of the discrete units into a compressed video signal; and

a network interface circuit coupled to the compression circuit, the network interface circuit to format the compressed video signal into a plurality of Internet Protocol (IP) packets and to communicate the IP packets over the computer network, wherein the input, memory, compression circuit, and the network interface circuit are contained on a single card.

Independent claim 1 has been amended to recite an apparatus that includes a connector for being plugged directly into a slot of the source computer and an input for receiving a video signal output from a graphics card of a source computer through the connector. In addition, independent claim 1 has been amended to recite that the components of the apparatus are contained in a single card.

The Examiner's Answer asserts that the website 140 depicted in Figures 9A and 9B of Hendricks is equivalent to the apparatus for communicating graphics. *Examiner's Answer* (hereinafter "*EA*"), page 4, lines 4-5. In addition, the Examiner's Answer asserted that the video path 129 and the videocassette 106 depicted in Figure 3A of Hendricks are video signals that are output from a graphics card of a source computer (cameras 104, computer 134, and videocassette 106). *Id.*, last four lines. The Examiner's Answer further asserted that the computer 134 includes a compressor or that an external compression unit 136 is equivalent to the compression circuit. *Id.*, page 5, lines 7-8. The Examiner's Answer still further asserted that the digital storage 132 and the storages 258 and 260 of the website 140 depicted in Figures 3B, 9A, and 9B of Hendricks are equivalent to the memory and that the compression units 108, 114 and the video matrix switch 270 depicted in Figures 9A and 9B of Hendricks are equivalent to the claimed compression circuit. *Id.*, pages 5-6. The Examiner's Answer also asserted that the compression units 108, 114 and the video matrix switch 270 are equivalent to the claimed network interface circuit. *Id.*, pages 7-10.

As may be seen from the discussion above, the Examiner's Answer has interpreted both the computer 134 and the web server 200 of Hendricks as comprising an apparatus for communicating graphics. This interpretation, however, is clearly improper especially in light of the amendments to independent claim 1 above. More particularly, the combination of the computer 134 and the web server 200 of Hendricks fails to comprise a connector for being plugged directly into a slot of a source computer. In fact, because the combination of the computer 134 and the web server 200 of Hendricks comprises two separate computers, the combination cannot physically include such a connector. In addition, therefore, the combination of the computer 134 and the web server 200 of Hendricks fails to include an input for receiving a video signal output from a graphics card of one of the computer 134 and the web server 200.

Independent claim 1 has also been amended to recite that the input, memory, compression circuit, and the network interface circuit are contained on a single card. In this regard, the apparatus of independent claim 1 may be directly connected to a slot, such as, an expansion slot or an Ethernet slot of the source computer. In contrast, the combination of the computer 134 and the web server 200 of Hendricks is not contained on a single card and therefore fails to read on this feature of independent claim 1.

For at least the foregoing reasons, Hendricks fails to disclose each and every element recited in independent claim 1 and therefore cannot anticipate this claim. The Examiner is therefore respectfully requested to withdraw the rejection of independent claim 1 and to allow this claim.

Independent Claims 2 and 19

Independent claims 2 and 19 recite features similar to those recited in independent claim 1 and are allowable over Hendricks for at least the same reasons as those discussed above. In addition, with respect to independent claim 2, Hendricks fails to disclose an apparatus comprising a connector for being plugged directly into a slot of a source computer, wherein the apparatus includes a network interface circuit to format a compressed video signal into a plurality of IP packets and to communicate the IP packets over the computer network. Likewise, with respect to independent claim 19, Hendricks fails to disclose a method comprising implementing an apparatus directly connected to the slot of a source computer by a connector, wherein the apparatus comprises a memory, a compression circuit, and a network interface circuit contained on a single card. In addition, Hendricks fails to disclose that a converted signal is communicated as a plurality of IP packets across a computer network through a network connection of the source computer.

For at least the foregoing reasons, the Examiner is respectfully requested to withdraw the rejection of independent claims 2 and 19 and to allow these claims.

Dependent Claims 3-5, 7-12, and 20

Dependent claims 7 and 8 have been canceled without prejudice or disclaimer of the subject matter contained therein and the rejection thereof is now considered moot.

Dependent claims 3-5, 9-12, and 20 are allowable over Hendricks at least by virtue of their respective dependencies upon allowable independent claims 2 and 19. The Examiner is therefore respectfully requested to withdraw the rejection of dependent claims 3-5, 9-12, and 20 and to allow these claims.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007):

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or

to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render the claims obvious and, thus, the claims are distinguishable over the cited reference(s).

Claim 6

Claim 6 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hendricks in view of Mou. Claim 6 has been canceled without prejudice or disclaimer of the subject matter contained therein. The rejection of claim 6 is therefore considered moot.

Claims 13 and 14

Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hendricks in view of Boe. This rejection is respectfully traversed for at least the following reasons.

Claims 13 and 14 depend upon independent claim 2 and are thus allowable over Hendricks at least by virtue of this dependency. In addition, the Examiner’s Answer attempts to rely upon Boe for its disclosure of a motherboard typically having “a number of sockets or slots into which other circuit boards with components may be plugged to form electrical and mechanical connections between the circuit boards and the motherboard.” *EA*, page 30.

However, the Examiner's Answer has not and cannot reasonably rely upon Boe to make up for the deficiencies in Hendricks discussed above with respect to independent claims 1 and 2. For instance, although Boe discloses a circuit board to be used in a computer system, Boe does not disclose that the computer system 134 and the web server 200 of Hendricks are to be formed into a circuit board and that such a circuit board is to be plugged into another computer system.

Accordingly, even assuming for the sake of argument that one of ordinary skill in the art were somehow motivated to combine Hendricks and Boe as suggested in the Examiner's Answer, the proposed combination would still fail to disclose each and every element recited in independent claim 2, upon which claims 13 and 14 depend.

For at least the foregoing reasons, the Examiner's Answer has failed to establish that the proposed combination of Hendricks and Boe render claims 13 and 14 *prima facie* obvious. The Examiner is therefore respectfully requested to withdraw the rejection of claims 13 and 14 and to allow these claims.

Newly Added Claims

New claims 21-27 depend upon one of independent claims 1, 2, and 19 and are thus allowable over the cited documents of record at least by virtue of these dependencies.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the

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above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to Deposit Account No. 08-2025.

Respectfully submitted,

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